and Homeland Security Bureau and the Wireless Telecommunications Bureau announced a freeze on applications in the 4.9 GHz band. Pursuant to the Freeze Public Notice (85 FR 63553, Oct. 8, 2020), the Bureaus are not accepting applications for new or modified licenses, including both geographic area licenses and individual fixed-site licenses.

On December 30, 2020, the Public Safety Spectrum Alliance (PSSA), APCO International (APCO), and the National Public Safety Telecommunications Council (NPSTC), and with PSSA and APCO, the Petitioners filed petitions for reconsideration of the Sixth Report and Order (the Petitions). The Petitioners asked the Commission to vacate the Sixth Report and Order because that the new leasing framework adopted in the Sixth Report and Order fails to provide for protection of current and future public safety use of the band.

The Order on Reconsideration grants the Petitions insofar as they sought deletion of the rules adopted in the Sixth Report and Order. We agree that the framework, which allows States to use and lease the band for non-public safety purposes, is not in the public interest, and that the public interest would be better-served by considering other models. We also lift, in part, the licensing freeze adopted in advance of the Sixth Report and Order, thereby allowing incumbents to modify their existing licenses or to license new permanent fixed sites. We direct the Bureaus to implement this change to the freeze via public notice within 30 days of the adoption of this item.

List of Subjects in 47 CFR Parts 1 and 90

Communications equipment, Organization and functions (Government agencies), Radio, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

Katura Jackson.
Federal Register Liaison Officer.

Correction

In FR Doc. 2020–23506, appearing on page 76469 in the Federal Register of Monday, November 30, 2020, the following correction is made:

PART 90 [Corrected]

1. On page 76480, in the first column, in part 90, amendatory instruction 7 (adding § 90.1217) is removed.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 1 and 90 as follows:

PART 1—PRACTICE AND PROCEDURE

1. The authority citation for part 1 continues to read as follows:


2. Amend § 1.9001 by:

a. Revising paragraph (b); and

b. Removing paragraph (c).

The revision reads as follows:

§ 1.9001 Purpose and scope.

* * * * *

(b) Licensees holding exclusive use rights are permitted to engage in spectrum leasing whether their operations are characterized as commercial, common carrier, private, or non-common carrier.

§ 1.9005 [Amended]

3. Amend § 1.9005 by:

a. Adding the word “and” at the end of paragraph (mm); and

b. Removing and reserving paragraph (oo).

4. Revise § 1.9048 to read as follows:

§ 1.9048 Special provisions relating to spectrum leasing arrangements involving licensees in the Public Safety Radio Services.

Licensees in the Public Safety Radio Services (see part 90, subpart B, and § 90.311(a)(1)(i) of this chapter) may enter into spectrum leasing arrangements with other public safety entities eligible for such a license authorization as well as with entities providing communications in support of public safety operations (see § 90.523(b) of this chapter).

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

5. The authority citation for part 90 continues to read as follows:

Authority: 47 U.S.C. 154(i), 161, 303(g), 303(e), 332(c)(7), 1401–1473.

6. Amend § 90.1203 by:

a. Revising paragraph (b); and

b. Removing paragraph (c).

The revision reads as follows:

§ 90.1203 Eligibility.

* * * * *

(b) 4.9 GHz band licensees may enter into sharing agreements or other arrangements for use of the spectrum with entities that do not meet the eligibility requirements in this section. However, all applications in the band are limited to operations in support of public safety.

[FR Doc. 2021–23588 Filed 10–28–21; 8:45 am]

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System


[Docket DARS–2021–0001]

Defense Federal Acquisition Regulation Supplement: Technical Amendments

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to provide needed editorial changes.


SUPPLEMENTARY INFORMATION: This final rule makes editorial changes to 48 CFR parts 203, 205, 207, 209, 211, 212, 215, 216, 217, 218, 222, 223, 225, 228, 231, 232, 233, 239, 242, 245, 246, 251, and 252 to amend the DFARS.


Government procurement.

Jennifer D. Johnson.
Editor/Publisher, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 203, 205, 207, 209, 211, 212, 215, 216, 217, 218, 222, 223, 225, 228, 231, 232, 233, 239, 242, 245, 246, 251, and 252 are amended as follows:

1. The authority citation for 48 CFR parts 203, 205, 207, 209, 211, 212, 215, 216, 217, 218, 222, 223, 225, 228, 231, 232, 233, 239, 242, 245, 246, 251, and 252 continues to read as follows:

PART 203—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

203.806 [Amended]
2. Amend section 203.806 by removing “PGI 203.8(a)” and adding “PGI 203.806(a)” in its place.

PART 205—PUBLICIZING CONTRACT ACTIONS
3. Add a 205.205 section heading to consist of existing sections 205.2 to read as follows:
205.205 Special situations.

PART 207—ACQUISITION PLANNING
Subpart 207.4—Equipment Acquisition
4. Revise the heading for subpart 207.4 to read as set forth above.

PART 209—CONTRACTOR QUALIFICATIONS
5. Revise the heading for section 209.409 to read as follows:
209.409 Contract clause.

PART 211—DESCRIBING AGENCY NEEDS
211.105 [Removed]
6. Remove section 211.105.

Subpart 211.70 Removed
7. Remove subpart 211.70, consisting of reserved section 211.7001.

PART 212—ACQUISITION OF COMMERCIAL ITEMS
Subpart 212.5—Applicability of Certain Laws to the Acquisition of Commercial Items and Commercially Available Off-the-Shelf Items
8. Revise the heading for subpart 212.5 to read as set forth above.

212.570 [Redesignated as 212.505]
9. Redesignate section 212.570 as 212.505 and revise the heading to read as follows:

212.505 Applicability of certain laws to contracts for the acquisition of COTS items.

PART 215—CONTRACTING BY NEGOTIATION
Subpart 215.1—Source Selection Processes and Techniques
10. Add subpart 215.1 to consist of existing sections 215.101 through 215.101–70 under the heading set forth above.

PART 216—TYPES OF CONTRACTS
11. Revise the heading for section 216.402–2 to read as follows:

216.402–2 Performance incentives.

PART 217—SPECIAL CONTRACTING METHODS
Subpart 217.78—Reverse Auctions
12. Revise the heading for subpart 217.78 to read as set forth above.

PART 218—EMERGENCY ACQUISITIONS
13. Revise the heading for section 218.203 to read as follows:

218.203 Emergency declaration or major disaster declaration.

PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS
14. Revise the heading for section 222.403 to read as follows:

222.403 Statutory, Executive order, and regulatory requirements.

222.403–4 [Redesignated as 222.403–70]
15. Redesignate section 222.403–4 as 222.403–70.

Subpart 222.6—Contracts for Materials, Supplies, Articles, and Equipment
16. Revise the heading for subpart 222.6 to read as set forth above.

PART 223—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE
Subpart 223.4—Use of Recovered Materials and Biobased Products
17. Revise the heading for subpart 223.4 to read as set forth above.

Subpart 223.8—Ozone-Depleting Substances and Greenhouse Gases
18. Revise the heading for subpart 223.8 to read as set forth above.

223.803 [Redesignated as 223.802]
19. Redesignate section 223.803 as 223.802.

PART 225—FOREIGN ACQUISITION
Subpart 225.1—Buy American—Supplies
20. Revise the heading for subpart 225.1 to read as set forth above.

Subpart 225.2—Buy American—Construction Materials
21. Revise the heading for subpart 225.2 to read as set forth above.
22. Add a heading for section 225.701 to read as follows:
225.701 Restrictions administered by the Department of the Treasury on acquisitions of supplies or services from prohibited sources.

PART 228—BONDS AND INSURANCE
Subpart 228.1—Bonds and Other Financial Protections
23. Revise the heading for subpart 228.1 to read as set forth above.
24. Revise the heading for section 228.102 to read as follows:

228.102 Performance and payment bonds and alternative payment protections for construction contracts.

PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES
25. Revise the heading for section 231.205–22 to read as follows:

231.205–22 Lobbying and political activity costs.

PART 232—CONTRACT FINANCING
232.705 and 232.705–70 [Redesignated as 232.706 and 232.706–70]
26. Redesignate sections 232.705 and 232.705–70 as sections 232.706 and 232.706–70, respectively.
27. Revise the heading for section 232.806 to read as follows:

232.806 Contract clauses.

PART 233—PROTESTS, DISPUTES, AND APPEALS
28. Revise the heading for section 233.215 to read as follows:

233.215 Contract clauses.

PART 239—ACQUISITION OF INFORMATION TECHNOLOGY
239.001 [Redesignated]
29. Redesignate section 239.001 by removing its designation in subpart
239.1 and placing it immediately before subpart 239.1.

239.7602–1 [Amended]


31. Amend section 239.7602–2 by adding a sentence at the end of paragraph (b) to read as follows:

239.7602–2 Required storage of data within the United States or outlying areas.

(A) Knowledge or tests of the market;

(B) Anticipated sales proceeds do not warrant competitive sale;

(C) Specialized nature of the property;

(D) Past sale history for like or similar items;

(E) Such action is essential to the Government’s interests.

The plant clearance officer shall not approve award to any bidder who is an ineligible transferee, as defined in 252.245–7004, Reporting, Reutilization, and Disposal; and

(iii) Conditions justifying noncompetitive sales are—

(A) No acceptable bids are received under competitive sale;

(B) Anticipated sales proceed do not warrant competitive sale;

(C) Specialized nature of the property would not create bidder interest;

(D) Removal of the property would reduce its value or result in disproportionate handling expenses; or

(E) Such action is essential to the Government’s interests.

(5) Plant clearance officers shall consider any special disposal requirements such as demilitarization or trade security control requirements in accordance with DoDM 4160.29–M, Defense Demilitarization Manual, and DoDI 2030.06, Implementation of Trade Security Controls, respectively. See PGI 245.6.

PART 246—QUALITY ASSURANCE

246.701 [Removed]

35. Remove the first instance of section 246.701 (without heading and text).

36. Add section 246.702 to read as follows:

246.702 General.

37. Redesignate the second instance of section 246.701 (headed “Definitions”) as 246.702–70.

38. Revise the heading for section 246.710 to read as follows:

246.710 Contract clauses.